




UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,008	07/29/2003	Joseph Carpenter	EXECU.0002P	8536
32856	7590	02/24/2004	EXAMINER	
WEIDE & MILLER, LTD. 7251 W. LAKE MEAD BLVD. SUITE 530 LAS VEGAS, NV 89128			BASTIANELLI, JOHN	
			ART UNIT	PAPER NUMBER
			3754	

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/630,008	Applicant(s) CARPENTER, JOSEPH 	
	Examiner John Bastianelli	Art Unit 3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/29/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 54. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to because it appears reference designation "49" in Fig. 1 should be "44". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because "is disclosed" should be changed and "comprises" is to be changed to remove legal phraseology. Correction is required. See MPEP § 608.01(b).

Art Unit: 3754

Information Disclosure Statement

5. Applicant has not provided an IDS to reflect the patents cited in the parent application.

The references do not need to be provided.

Claim Objections

6. Claim 3 is objected to because of the following informalities: Claim 3 recites the limitation "said sliding" in line 1. It appears the claim should be dependant from claim 2 and not claim 1. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant claims that the inlet port is fixed in position relative to the housing. The inlet port 38 on inlet extension 42 is moveable within the housing. What is the first portion of the passage that the applicant is claiming? If the housing defines a first portion of the passage, then that does not include the passage inside inlet extension 42 or is this considered part of the housing? Is the second portion of the passage that the applicant is claiming just what is inside the extendable member 62? Also in claim 10, applicant claims that the second end is located in the enlarged part of the first portion of the passage. This does not make sense. It would make

Art Unit: 3754

more sense if the applicant cited in the claim a passage and then cited which part is the first portion and which part is the second portion as it is not included in the specification.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-9, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Gorman, Jr. US 5,052,721.

Gorman discloses a method of installing a valve between an inlet and an outlet pipe having, providing a valve 40/50 having a housing (valve 40/50 together with retaining housing 3) defining a first portion of a passage through said valve, said valve including an inlet port (seen as far left side of Figs. 1-4) at a first end of said passage through said valve, said inlet port fixed in position relative to said housing, said inlet port leading to said first portion of said passage through said valve, said valve further including an extendable member 2 permanently coupled to said housing, said extendable member having a first end (right side of 3) and a second end (left side of 3), said first end comprising an outlet port (seen as far right side of Figs. 1-4) of said valve at a second end of said passage through said valve and said second end of said extendable member located within said housing and in communication with said first portion of said passage through said valve, said second end of said extendable member movable within said housing, said extendable member defining a second portion of said passage through said valve, said

Art Unit: 3754

second portion of said passage defined by said extendable member between said outlet port and said first portion of said passage through said housing, said valve including a control (knob on 40, 50) configured to selectively open and close said passage through said valve from said inlet port to said outlet port, connecting said inlet port of said valve to said inlet pipe (left side of Figs. 1-4), sliding by pulling or pushing said first end of said extendable member into a position in which it mates with said outlet pipe (right side of Figs. 1-4), said position of said outlet port of said valve changing relative to said housing, and connecting said outlet port of said valve to said outlet pipe. The apparatus is seen as practiced by the method. The inlet and outlet ports are generally axially aligned. A seal 4 seals between the second end and the housing and means for limiting the movement of the second end (A/B) having a first and second stop.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 10-12, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorman, Jr. US 5,052,721 in view of Aitken et al. US 5,024,469.

Gorman lacks a first enlarged part of the housing with the second end of the extendable member located in this enlarged part and having a greater diameter than the first portion of the extendable member. Aitken discloses a first enlarged part of the housing with the second end of the extendable member located in this enlarged part. It would have been obvious to one having

Art Unit: 3754

ordinary skill in the art at the time the invention was made to make the enlarged part and second end of the extendable member reversed as disclosed by Aitken, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Gazda*, 104 USPQ 104 (CCPA 1955).

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Koch discloses a valve with an inlet, outlet and passage. Brodie discloses a method and apparatus for repairing lawn sprinkler systems. Zimmerman and Wood disclose extendable members.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Bastianelli whose telephone number is (703) 305-0058. The examiner can normally be reached on M-F (9:00-6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene can be reached on (703) 308-2696. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/630,008

Page 7

Art Unit: 3754

John Bastianelli
Primary Examiner
Art Unit 3754

JB
February 20, 2004